



May 21, 1999

Mr. Mel Davis
Assistant Executive Director, District Operations
Texas State Soil and Water Conservation Board
311 North 5th
Temple, Texas 76503-0658

OR99-1412

Dear Mr. Davis:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124262.

The State Soil and Water Conservation Board (the "board") received a request for information related to 3H Cattle Feeders, Inc. ("3H"). You assert that all of the records the board holds concerning 3H pertain to a request for technical assistance relating to a conservation plan and thus are confidential under section 201.006 of the Texas Agriculture Code.

Section 201.006(a) provides:

(a) Except as provided by this section, information collected by the state board or a conservation district is not subject to Chapter 552, Government Code, and may not be disclosed if the information is collected in response to a specific request from a landowner or the landowner's agent or tenant for technical assistance relating to a water quality management plan or other conservation plan if the assistance is to be provided:

(1) under this code; and

(2) on private land that:

(A) is part of a conservation plan or water quality management plan developed cooperatively with the state board or conservation district; or

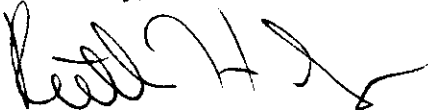
(B) is the subject of a report prepared by the state board or conservation district.

Section 201.006(b), (e), (f), and (g) provide that information may be released to certain parties, but it is our understanding that none of these qualified release provisions are applicable in this request.

Based upon your assertion that the information at issue was all collected in response to a qualified request from 3H under section 201.006(a), we agree that the records at issue must be withheld from disclosure.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 124262

encl. Submitted documents

cc: Mr. William R. Allensworth
Roller & Allensworth
620 Congress Avenue, Suite 200
Austin, Texas 78701
(w/o enclosures)

¹We note that section 201.006(c) provides that the state board or conservation district has the option of disclosing "in a manner that prevents the identification of a particular tract of land, the owner of the tract, or the owner's agent or tenant, a summary of information collected by the state board or conservation district" concerning certain types of information.